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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

Docket Number (Optional) 020048-003110US 10-31-05

In re Application of: Kurt E. Petersen, et al.

Application No. 09/584,328

Filed: May 30, 2000

For: CARTRIDGE FOR CONDUCTING A CHEMCIAL REACTION

The owner*, <u>Cepheid</u> of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number, 09/194,374, filed on July 25, 2000. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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The undersigned is an attorney of record.

<u>/6-7-02</u>

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Date

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